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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 BRANCH BANKING AND TRUST
12 COMPANY, a North Carolina banking
13 corporation,

14 Plaintiff,

15 vs.

16 ELOY BUSINESS PARK, LLC, a Nevada
17 limited liability company, YOEL INY; NOAM
18 SCHWARTZ; YOEL INY, Trustee of the Y&T
19 INY FAMILY TRUST dated June 8, 1994;
20 NOAM SCHWARTZ, Trustee of the NOAM
21 SCHWARTZ TRUST dated August 19, 1999;
22 D.M.S.I., L.L.C., a Nevada limited liability
23 company; and DOES 1 through 10, inclusive,

24 Defendants.

CASE NO. 2:12-cv-01679-LRH-PAL

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**STIPULATED ORDER TO VACATE JUDGMENTS
AND TO DISMISS ACTION WITH PREJUDICE**

Plaintiff BRANCH BANKING AND TRUST COMPANY ("BB&T" or "Plaintiff"), by
and through its undersigned counsel of record, and Defendants ELOY BUSINESS PARK, LLC,
YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T INY FAMILY TRUST
dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM SCHWARTZ TRUST dated
August 19, 1999, and D.M.S.I., L.L.C. (collectively "Defendants"), by and through their
undersigned counsel of record, hereby stipulate and agree to the entry of this Stipulated Order by
this Court providing as follows:

1 1. The Final Deficiency Judgment entered in this action in favor of BB&T and
2 against Defendants on July 11, 2016 [ECF No. 96] in the amount of \$2,921,000.13 is hereby
3 vacated;

4 2. The Judgment entered in this action in favor of BB&T and against Defendants on
5 February 7, 2017 [ECF No. 111] awarding BB&T attorney fees in the amount of \$145,442.19
6 and nontaxable costs in the amount of \$6,551.10 is hereby vacated;

7 3. All claims and counterclaims asserted in this action are hereby dismissed with
8 prejudice; and

9 4. The parties shall each bear their own attorney fees and costs incurred in
10 connection with this action.

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12 IT IS SO STIPULATED.

13 DATED this 19 day of Dec., 2017.

 DATED this 6th day of Nov., 2017.

14 **HOLLAND & HART LLP**

KOLESAR & LEATHAM

15
16 By 

 By 

17 JEREMY J. NORK, ESQ.
18 FRANK Z. LAForge, ESQ.
19 5441 Kietzke Lane, Second Floor
20 Reno, Nevada 89511

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Attorneys for Defendants

Attorneys for Plaintiff

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22 **IT IS SO ORDERED.**

23
24 
25 LARRY R. HICKS

26 UNITED STATES DISTRICT JUDGE

27 DATED: December 22, 2017